

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: :  
 : Docket #13cr268  
UNITED STATES OF AMERICA, : 1:13-cr-00268-JMF  
 :  
Plaintiff, :  
 :  
- against - :  
 :  
ALIMZHAN TOKHTAKHOV, ANATOLY :  
GOLUBCHIK, et al., : New York, New York  
 : April 16, 2013  
Defendants.  
----- :

PROCEEDINGS BEFORE  
THE HONORABLE JAMES C. FRANCIS,  
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

APPEARANCES:

For the United States of America:	U.S. ATTORNEY'S OFFICE SOUTHERN DISTRICT OF NEW YORK BY: HARRIS FISHMAN, ESQ. JOSHUA NAFTALIS, ESQ. One Saint Andrew's Plaza New York, New York 10007 (212) 637-2000
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For the Defendant  
Golubchik:

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<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Re- Direct</u>	<u>Re- Cross</u>
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None

E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>ID</u>	<u>In</u>	<u>Voir Dire</u>
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None

1                   THE CLERK:    U. S. v. Anatoly Golubchik and Vladim  
2 Trincher.  Counsel, please state your name for the record  
3 starting with the government.

4                   MR. HARRIS FISHMAN:    Good afternoon, Your Honor,  
5 Harris Fishman and Josh Naftalis on behalf of the Government,  
6 joined at counsel table by Special Agent Rob Hanratty and a  
7 paralegal with the United States Attorney's Office, Colleen  
8 Dyer.

9                   HONORABLE JUDGE FRANCIS (THE COURT):    Good  
10 afternoon.

11                  MR. MICHAEL FINEMAN:    Michael Fineman on behalf  
12 of Mr. Trincher, 225 Broadway, New York, New York.  Good  
13 afternoon, Your Honor.

14                  THE COURT:    Good afternoon.

15                  (Pause in proceedings)

16                  MR. JONATHAN BACH:    I'm sorry, Judge.

17                  THE COURT:    That's all right.  Want to introduce  
18 yourself?

19                  MR. BACH:    Jonathan Bach on behalf of Anatoly  
20 Golubchik.

21                  THE COURT:    Good afternoon.  Gentlemen, I'm Judge  
22 Francis.  The purpose of this proceeding is to inform you of  
23 certain rights that you have, to inform you of the charges  
24 against you, consider whether counsel should be appointed  
25 for you, and to decide under what conditions you should be

1 released. Could I have the time and day of arrest, please.

2 MR. FISHMAN: Your Honor, both defendants were  
3 arrested at approximately 6 a.m. this morning.

4 THE COURT: Gentlemen, you have the right to  
5 remain silent. You're not required to make any statements.  
6 Even if you have made any statements to the authorities, you  
7 need not make any further statements. Anything that you do  
8 say can be used against you.

9 You have the right to be released, either  
10 conditionally or unconditionally, pending trial unless I  
11 find that there are no conditions that would reasonably  
12 assure your presence in court and the safety of the  
13 community.

14 You have the right to be represented by counsel  
15 during all court proceedings, including this one, and during  
16 all questioning by the authorities. If you cannot afford an  
17 attorney I'll appoint one today to represent you, but I note  
18 that you have retained counsel.

19 Mr. Fishman, is this on for arraignment as well?

20 MR. FISHMAN: Your Honor, it's not on for  
21 arraignment.

22 THE COURT: Thank you.

23 MR. FISHMAN: And I should add, Your Honor, none  
24 of the matters in this case have been referred for  
25 arraignment.

1           THE COURT:     Right.   Gentlemen, you've each been  
2 charged in six counts in this indictment and, Mr. Golubchik,  
3 you've also been charged in a seventh.   You've both been  
4 charged in count one, which charges conspiracy to engage in  
5 racketeering in violation of Title 18 of the United States  
6 Code, Section 1962(d) and you've also been charged in count  
7 two, which charges racketeering in violation of Title 18 of  
8 the United States Code, Section 1962(c).

9           With respect to each of those counts you would be  
10 subject to a term of imprisonment of up to 20 years, a term  
11 of up to 3 years supervised release, a fine of up to  
12 \$250,000 and a \$100 special assessment.

13           You've also each been charged in count five, which  
14 charges bookmaking in violation of Title 18 of the United  
15 States Codes, Section 1955, and internet gambling, that's  
16 count six, internet gambling in violation of Title 31 of the  
17 United States Code, Sections 5363 and 5366.

18           For each of those counts you would be subject to a  
19 term of imprisonment of up to five years, a term of up to  
20 three years supervised release, a fine of up to \$250,000,  
21 and a \$100 special assessment.

22           You also have each been charged in count seven,  
23 which is a charge of money laundering conspiracy in  
24 violation of Title 18 of the United States Code, Section  
25 1956(h).   That charge carries a term of imprisonment of up

1 to 20 years, a term of up to 3 years supervised release, a  
2 fine of up to \$500,000, and a \$100 special assessment.

3           You've also each been charged in count eight,  
4 which charges a conspiracy to commit extortion in violation  
5 of Title 18 of the United States Code, Section 894. If  
6 convicted on that count, you would be subject to a term of  
7 imprisonment of up to 20 years, a term of up to 3 years  
8 supervised release, a fine of up to \$250,000, and a \$100  
9 special assessment.

10           And Mr. Golubchik, you've also been charged in  
11 count 18, which is also a money laundering conspiracy in  
12 violation of Title 18 of the United States Code, Section  
13 1956(h). And again, on that count the exposure would be up  
14 to 20 years imprisonment, up to 3 years supervised release,  
15 a fine of up to \$500,000, and a \$100 special assessment.

16           Mr. Fineman, have had an opportunity to review the  
17 indictment with Mr. Trinchler?

18           MR. FINEMAN: And do you waive its public  
19 reading?

20           THE COURT: And Mr. Bach, have you had an  
21 opportunity to review the indictment with Mr. Golubchik?

22           MR. BACH: Yes, I have, Your Honor.

23           THE COURT: And do you waive its public reading?

24           MR. BACH: Yes, I do.

25           THE COURT: Does the Government have bail

1 recommendations?

2 MR. FISHMAN: Your Honor, for both defendants the  
3 Government seeks detention.

4 THE COURT: Mr. Fineman, do you wish to  
5 (inaudible) at this time?

6 MR. FINEMAN: Yes, Your Honor.

7 THE COURT: Hang on a second, we'll let the  
8 Government go first. You may proceed.

9 MR. FISHMAN: Your Honor, shall I address Mr.  
10 Trincher first?

11 THE WITNESS: Yes.

12 MR. FISHMAN: Your Honor, Mr. Trincher is the  
13 leader of, well, is the leader, along with Mr. Golubchik and  
14 Mr. Tokhtakhounov, of this international money laundering,  
15 sports gambling, and extortion ring. Mr. Trincher operated  
16 out of the Trump Tower in New York City from his apartment.  
17 He oversaw one of what must be the world's largest sports  
18 books, catering primarily to millionaires and billionaires  
19 across the globe who place exceedingly large bets, often  
20 hundreds of thousand of dollars on sporting events,  
21 including soccer matches and NBA basketball games and  
22 baseball games.

23 To insure payments from the abroad customers they  
24 had the presence of Tokhtakhounov, also known as Taiwanchik,  
25 who has described in the indictment is a Vor, a

1 (indiscernible), the highest level of Russian organized  
2 criminal. Someone who acts as protection, as a roof  
3 (phonetic) and insures payment through threats, either  
4 explicit or implicit of physical harm or harm to property.

5           Indeed, during the course of this investigation,  
6 Mr. Vladim Trincer was on one occasion intercepted speaking  
7 with a customer of the gambling operation who owed a debt of  
8 \$50,000. And in that conversation Mr. Trincer made  
9 reference to an enforcer of his operation, an individual  
10 named Maxin (phonetic) who he threatens the customer that  
11 Maxin would come and find him, would come and find the  
12 money, and that he should be careful, lest he be tortured,  
13 and lest he wind up underground.

14           An enormous concern of the Government is the  
15 defendant's flight risk. He has substantial ties overseas  
16 in the former Soviet Union, in Israel. He travels  
17 frequently and I think highlighting the financial risk, the  
18 flight risk, is the financial assets and the financial  
19 wherewithal that Mr. Trincer and Mr. Golubchik have shown  
20 during the course of this conspiracy. They have laundered  
21 together easily more than \$50 million from the former Soviet  
22 Union through six or seven shell companies that they have  
23 operated in Cyprus, then into the United States.

24           And once into the United States they have  
25 occasionally laundered it through additional shell

1 companies, which I note appear to be listed as, in one  
2 instance, an employer for Mr. Golubchik, or invest them in  
3 various investments such as real estate or hedge funds, such  
4 that they have thoroughly washed the money. So when the  
5 money comes out, it's now coming out as a real estate  
6 payment or a hedge fund payment.

7 But the point here being it's tens of million  
8 dollars overseas that they've been able to control. And the  
9 Government is exceedingly concerned that Mr. Trinchler, if  
10 released today no matter what the conditions, we'll never  
11 see him again. He's facing a maximum of 90 years  
12 imprisonment on these charges. The evidence against him is  
13 overwhelming. It includes three months, I believe, or four  
14 months of wiretaps on one of his cell phones, approximately  
15 the same duration of wiretaps on one of Mr. Golubchik's  
16 phones.

17 The wiretap conversations include intercepts of  
18 Mr. Trinchler communicating directly with the Vor in Russia,  
19 Mr. Tokhtakhounov. Mr. Trinchler and Mr. Golubchik  
20 communicating with their key money launderers in the United  
21 States, Slava Greenburg and Michael Sall. And that's  
22 principally the Government's reasons, Your Honor.

23 This is someone who has shown an innate ability to  
24 trick and defraud the American government by moving large  
25 amounts of money into the United States through various

1 shell companies. These transactions are almost always  
2 labeled as equipment transfers, or something else, not what  
3 they really are. If they're starting out as gambling  
4 payments then they're just coming in as money being paid.

5           Even today at Mr. Trinchler's arrest at his five,  
6 six million dollar apartment in Trump Plaza which was  
7 clearly bought with gambling proceeds in 2009. Even today  
8 in his apartment was found I believe approximately \$75,000  
9 in cash and \$2 million in Bellagio chips, which is  
10 significant, because chips are a frequent means of  
11 laundering money for members of this enterprise, both  
12 domestically and internationally. By the chips being given  
13 to by someone else at the casino, you then can bring the  
14 chip into the casino, whether domestically or  
15 internationally. Because it's plastic, you can get it on a  
16 plane without be detected, and then exchange that for money.  
17 It is tax-free income at your hands, essentially.

18           And so, Your Honor, it's for all these reasons  
19 that the Government believes detention is appropriate.

20           THE COURT: Thank you.

21           MR. BACH: Judge, I'd like to argue first. I  
22 don't know if he was addressing both defendants.

23           MR. FISHMAN: I was addressing just Mr. Trinchler.

24           MR. BACH: Okay.

25           THE COURT: Fine.

1 MR. FINEMAN: Your Honor, as you are well aware,  
2 the standard for determining (inaudible) for a bail package  
3 is if released the defendant that would insure the  
4 defendant's return to court.

5 Under these sort of circumstances, Your Honor, my  
6 client has (inaudible) in the United State since 1989. As  
7 the U.S. attorney has mentioned, he owns his property, it's  
8 a valuable property, but we deny the allegation that the  
9 source of the money that was purchased. My client is a  
10 professional poker player. He's been (inaudible) throughout  
11 the United States and the world as a professional poker  
12 player and has won a tremendous amount of proceeds as in  
13 that occupation, which he's paid taxes for, he's declared as  
14 income. There's no question about the source of the funds  
15 that were used to purchase this real estate here in New York  
16 County as well as real estate purchased in Las Vegas.

17 My client's married and his wife is here in the  
18 courtroom. I submit to Your Honor that a bail package  
19 involving some much less restrictive methods, such as home  
20 where the client is monitoring and a certain amount of cash  
21 alternative in addition to a personal recognizance bond  
22 signed by another financially sound (inaudible) should be  
23 more than sufficient to require my client to appear in court  
24 as necessary.

25 The U.S. Attorney's Office, while they spoke of

1 significant assets overseas, they didn't actually state any  
2 reason why this court would believe that my client would  
3 become, stay and face these charges or flee the jurisdiction  
4 of this court. My client's been residing in New York City  
5 in excess of nine years, and with his wife, who is a  
6 homemaker.

7           There's absolutely no reason to believe that my  
8 client wouldn't return to court as required under any bail  
9 package that will be (inaudible). Specifically, under these  
10 set of circumstances it's my understanding that in similar  
11 cases, courts have found that home confinement with  
12 monitoring, in addition to some additional security, as  
13 being sufficient to secure a person's attendance. I believe  
14 that under the (inaudible) in this case it would be  
15 appropriate.

16           THE COURT:   Mr. Fishman?

17           MR. FISHMAN:   Your Honor, just a couple of  
18 points. One, his home is in the -- the Trump Tower home  
19 which is named in the indictment is in the process of being  
20 seized. And it's also the property from which he ran his  
21 illegal business. As to the suggestion that Mr. Trinchler  
22 bought this home with poker earnings, a public source review  
23 of Mr. Trinchler's poker playing, which he has played poker  
24 in tournaments, reveals one tournament, I believe in 2010,  
25 2011, in which he won approximately a million dollars.

1           There is no other record of him at any of the  
2 number of tournaments that get a -- much publicity in this  
3 country and internationally of him ever earning anything  
4 substantial. Indeed, during the months that we were up on  
5 the wiretaps, aside from him playing occasional backgammon  
6 games with his friends, the only significant poker game he  
7 played was at an illegal poker game at the Plaza Hotel, that  
8 was organized by, among others, his son, Eugene Trinchler,  
9 who is charged in this indictment with running an illegal  
10 poker game in which he won a couple of hundred thousand  
11 dollars of which was completely illegal profits.

12           I just want to paint as full a picture as I can of  
13 the money Mr. Trinchler has abroad. And looking at the  
14 Pretrial Services report, I note that it lists under assets,  
15 \$5 million for residents and nothing else. It states that  
16 as far as his employment, he's employed as a money investor,  
17 and has been doing this type of work for the past ten years.

18           He reports that he has made approximately 1.3  
19 million in the last year, although again, no bank accounts  
20 are listed, nothing is listed -- just this \$5 million asset,  
21 the apartment, and no liabilities are listed.

22           Mr. Trinchler every day was accepting tens of  
23 thousands if not hundreds of thousands of sports bets for  
24 his operations or directing his bookies in the Ukraine, in  
25 Moscow, or people using the various online gambling websites

1 that he used, to cause bets to be placed.

2 And again, the sophisticated nature of the money  
3 laundering scheme here, the way it worked would be setting  
4 up loan agreements with the Russian clients that had some  
5 bogus purpose. On the one end of the Russian loan -- of the  
6 loan agreement was a Russian client usually creating a shell  
7 company of their own.

8 They then loaned the money, typically half a  
9 million dollars, to one of their Cyprus shell companies --  
10 Dockside, North side, Lichen, Toehold, Jet way, Maple Brook  
11 -- all of these companies since 2006 have operated solely to  
12 launder their money into the United States.

13 And so the money would come from Russia under a  
14 loan agreement to Dockside. There's no evidence these loans  
15 were ever repaid because they weren't loans; they were  
16 gambling payments.

17 Then the money would come either in a loan  
18 agreement to Villa Nova Properties, another company they  
19 used to loan money, or it would come directly to Mr.  
20 Trincher, directly to Mr. Golubchik, but millions and  
21 millions of dollars.

22 Now we don't know precisely how much money there  
23 is hidden all over Russia or the Ukraine or Cyprus for Mr.  
24 Trincher, but all we can rest assured is it's a lot of  
25 money. He's on the phone all the time talking to people in

1 Kiev, Ukraine about tax transactions of hundreds of  
2 thousands of dollars. There is every incentive for him to  
3 leave, to be with his brother in the Ukraine. And Your  
4 Honor, may I just have one moment?

5           And Your Honor, I think also the allegation of  
6 extortion in this case changes the burden that was being  
7 described by defense counsel, being that is a crime of  
8 violence. And this is not the normal bail proceeding where  
9 the burden rests on the Government, it's a rebuttable  
10 presumption. And in this case, with this defendant's --  
11 with this defendant facing RICO charges, his home here is  
12 subject to forfeiture, he has laundered over \$50 million  
13 from outside this country through Cyprus and the former  
14 Soviet Union, this defendant poses an immense flight risk  
15 that I respectfully suggest even in a normal context he  
16 would not be a good candidate for bail. But under the  
17 rebuttable presumption, I don't think defense counsel has  
18 done anything to rebut that presumption and respectfully, I  
19 don't think he could.

20           This defendant is facing likely a long, long, long  
21 time in jail in a United States prison and there's every  
22 reason for him to want to leave.

23           THE COURT: Thank you. Mr. Fineman?

24           MR. FINEMAN: Your Honor, without rehashing all  
25 the things that the U.S. Attorney has mentioned, his

1 brother, my client's brother is not living in Ukraine. He  
2 recently immigrated to the United States, so we just want to  
3 get that out. He has a blood relative here in New York  
4 along with some other family members, his wife lives here in  
5 New York. His sons that are live in California here in the  
6 United States. So he's not a (inaudible) flight risk,  
7 that's first of all.

8           Second of all, I spoke to my client and he's been  
9 in numerous tournaments. He's won a tremendous amount of  
10 money and he's sanctioned tournaments in Las Vegas. He even  
11 owns a home in Las Vegas. (Inaudible) he's nationally  
12 ranked as a poker player. So notwithstanding the fact that  
13 the Government (inaudible) so (inaudible) publicly known  
14 tournament. My client has (inaudible) he obviously denies  
15 the allegations. So it's easy for the U.S. Attorney's  
16 Office to say what they intend to prove at a bail hearing.  
17 (inaudible) if there actually was a fear of flight.

18           THE COURT: I have a question for you which is  
19 how do you reconcile the amount of money that he has turned,  
20 including, according to the Pretrial Services report, \$1.3  
21 million last year and the only asset being the home.

22           MR. FINEMAN: Your Honor, my client indicates  
23 that he has a home here in New York, he has property in Las  
24 Vegas, he has several bank accounts in which money exists.  
25 So it's not as if he has no assets. He has potential

1 assets.

2 THE COURT: And how did they not make it into the  
3 Pretrial Service report?

4 MR. FINEMAN: I wasn't present during the  
5 Pretrial Services. (Inaudible) was interviewed by them but  
6 I can't vouch for what was said and what wasn't said during  
7 the interview.

8 MR. FISHMAN: Your Honor, the fact remains there  
9 are not assets listed in the Pretrial Service report and  
10 also, I would just say as part of the Government's  
11 investigation, we have Mr. Trinchler's tax returns. And if  
12 he is the successful poker player that his lawyer says he  
13 is, he has been committing massive tax fraud over the last  
14 five years because he certainly isn't declaring any of those  
15 winnings.

16 That is an excuse, that is a lie, just like the  
17 lie that says he's a money investor. The Government  
18 proffers to the Court and the grand jury found probable  
19 cause to find that this defendant runs a sports gambling  
20 business, is the leader of a RICO enterprise. And the proof  
21 that underlies it is the overwhelming e-mail and wiretap  
22 proof that everyday this person does not run any business  
23 other than his illegal gambling business which uses threats  
24 of violence to collect its money, and uses sophisticated  
25 laundering techniques through Cyprus, which we all know what

1 the situation at Cyprus is now, due in large part to the  
2 money laundering that's occurred in that country.

3 And these sophisticated money laundering  
4 techniques the goes through Cyprus into the United States to  
5 collect his illegal earnings. And that's what he is, that's  
6 what he's done, that's why he's facing the penalties he's  
7 facing, and that's why, if giving him the opportunity, the  
8 Government believes he will not come back to court.

9 THE COURT: Mr. Fineman, how do we deal with the  
10 tax returns.

11 MR. FINEMAN: Your Honor, my client said he  
12 reported (inaudible) on his tax return last year.  
13 (inaudible). I'm not sure where the U.S. Attorney's coming  
14 up with that he's (inaudible) tax (inaudible). He reports  
15 substantially on the (inaudible).

16 MR. FISHMAN: Your Honor, I'm happy to respond to  
17 that. The two points about the tax returns. One, much of  
18 the income that is claimed in the tax returns is via the  
19 illegal money laundering vehicles, such as Villa Nova  
20 Properties, S&T Capital. So the money that is being claimed  
21 -- or another example, Skyway, a plane company in Florida  
22 that they used until about 2006, more like 2007, 2008 to be  
23 their principal money laundering company before they changed  
24 it to Villa Nova Properties. So much of the income that is  
25 claimed is claimed through those companies. It's also

1 offset by a number of losses.

2           Generally speaking, over the last five years, Mr.  
3 Trinchler has claimed either losses, or close to losses, or  
4 negligible gains. He probably, over the last five years,  
5 has claimed total gain in the range of about a million and a  
6 half dollars, maybe, over the last five years which  
7 certainly doesn't explain how he could spend \$5 million in  
8 cash on his apartment in Trump Tower. And what it certainly  
9 doesn't back up, unless I just misunderstood what defense  
10 counsel argued first, was the idea that he's making all this  
11 money from poker tournaments.

12           So what the Government is proffering is that other  
13 than one substantial poker earning that was reflected in  
14 taxes, anything else has been negligible. There's never  
15 been significant on anything shown in poker earnings.

16           THE COURT: One moment.

17           (Pause in proceedings.)

18           THE COURT: On the basis of the indictment, the  
19 Pretrial Service report, and the proffers of counsel I find  
20 that the Government has sustained its burden of  
21 demonstrating that the defendant presents a risk of flight,  
22 such that there are no conditions that would reasonably  
23 assure his return to court.

24           Whether or not the Government benefits from the  
25 presumption here, it's sustained its burden of showing that,

1 first of all, that the defendant faces substantial term of  
2 incarceration if convicted and that the evidence against him  
3 is quite strong, creating an incentive to flight.

4           The Government's also demonstrated that he has the  
5 means to flee, were he to choose to do so, given the  
6 substantial income that he has received, not all of which  
7 has necessarily been identified by the Government.

8           He has had contacts overseas. Whether his brother  
9 is now in this country, I think is not determinative. Among  
10 other things, he is a dual citizen with Israel so there are  
11 places where he could flee if he so chose.

12           I'm also disturbed by the inconsistencies between  
13 the Pretrial Services report, the tax returns, and the  
14 purported sources of Mr. Trinchler's income. I think that  
15 that has certainly not been explained to my satisfaction to  
16 overcome the proffer that has been made by the Government.

17           So for those reasons I'll order him detained  
18 pending trial.

19           I will hear from the Government on Mr. Golubchik.

20           MR. BACH: Judge, we'll reserve.

21           THE COURT: Very well. On that basis I'll order  
22 Mr. Golubchik detained without prejudice in any future  
23 application. Is there a conference scheduled with a  
24 district judge?

25           MR. FISHMAN: Yes, Your Honor, Judge Furman has

1 set a conference for this Friday at 1 p.m.

2 THE COURT: Thank you all.

3 MR. FISHMAN: As I said, as I indicated, the  
4 discovery in this case is going to be voluminous. The  
5 Government has already made extensive efforts to compile  
6 discovery in advance of these arrests and is hopeful that it  
7 can even be making discovery before the conference on  
8 Friday, and is certainly at the disposal of defense counsel  
9 to discuss the case in advance of then.

10 With that in mind, the Government would ask that  
11 time be excluded under the Speedy Trial Act from now until  
12 Friday.

13 THE COURT: Mr. Bach, is that consented to?

14 MR. BACH: Yes.

15 THE COURT: Mr. Fineman?

16 MR. FINEMAN: No objection, Your Honor.

17 THE COURT: Very well, the time is excluded.

18 MR. FISHMAN: Thank you, Your Honor.

19 (Whereupon the above matter was adjourned.)  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, Carole Ludwig, certify that the foregoing transcript of proceedings in the United States District Court, Southern District of New York, United States of America v. Tokhtakhounov, et al., Docket #13cr268, was prepared using digital electronic transcription equipment and is a true and accurate record of the proceedings.

Signature\_\_\_\_\_

Date: April 25, 2013